



Urban Design  
Studio L.L.C.

Master Planned Communities, Land Planning, Site Planning &  
Design, Environmental Analysis & Landscape Architecture

## **Turquoise 1.25 Acres**

### **ESLO Hardship Exemption Narrative**

**August 29, 2006**

#### **Introduction**

The Turquoise 1.25 Acre property is located in the eastern portion of the City of Scottsdale at 12922 E. Turquoise Avenue. The property's southern edge fronts onto Turquoise Drive (see Site Location Map). The site is situated in a low-density single family neighborhood where a majority of the lots have been split from 2.5 acres to 1.25 acres, the minimum allowed per the R1-43 ESL district. The development of these splits, occurring both before and after the adoption and application of the ESL Ordinance, has trended towards a shared common sideyard wall with NAOS dedications typically to the rear of the properties with various exceptions for significant drainage features. This trend has successfully led to the preservation of broad NAOS corridors that support native plant species, wildlife corridors and meaningful open space areas throughout the community.

#### **Exemption Request**

This application requests a waiver of the 15-foot sideyard wall setback requirement as stated in the Environmentally Sensitive Lands Ordinance (ESLO III) #6.1071-A-4. Specifically, the waiver would apply to the 15-foot wall setback requirement for the western property line of the property (see attached Conceptual Site Plan exhibit.)

#### **Justification for Exemption**

**1. Substantial Hardship:**

The combination of on-site drainage features, setbacks required by the R1-43 ESL zoning district, and the required 15-foot sideyard wall setback requirement identified in the ESL Ordinance cumulatively reduce the amount of developable land and constrains the width of the custom home product on the lot. This reduces the overall use of the property.

**2. Consistent with the Intent and Purpose of the Ordinance:**

Part of the purpose of the ESLO, as related to this project, is to identify and protect environmentally sensitive lands in the City and to provide a higher quality of life for its citizens. It is also meant to preserve and enhance the character of these open spaces. In an effort to effectively balance

development with open space areas, the methods by which these areas are defined become more critical. Proposed open space areas to be dedicated as NAOS should be located in portions of the site that compliment existing adjacent open space.

The applicant is proposing a consolidation of NAOS area on the site to areas of greatest suitability. By waiving the requirement for a narrow open space easements between the subject property and the existing lot improvements to the west, that area can be shifted to areas where the preservation of natural area is more effective.

The applicant has met the objective of the ESL Ordinance by recognizing the value of the existing natural areas throughout the site and has consolidated the Natural Area Open Space (NAOS) in the rear and eastern edge of the property so as to maintain the contiguity of existing wildlife corridors and the habitat areas that have been established by preceding development on adjacent properties.

**3. No Significant Benefit:**

The application of the 15-foot sideyard wall setback on the western property edge will not achieve a significant benefit that is greater than what is proposed by the applicant. On the western property line, existing improvements constructed by the adjacent property owner extend all the way to the shared property line. These improvements include a driveway, retaining wall and a permanent accessory structure located toward the rear of the property. Because of the proximity of these adjacent improvements to the property line, the applicant feels that application of the 15-foot NAOS easement setback would conflict with the community and environmental benefits intended per the objectives of the ESL Ordinance.

The applicant feels than an equitable alternative is accomplished through the proposed transfer and consolidation of open space to the northern (rear) portion of the property and the eastern property edge to address existing drainage conditions. The increased amount of contiguous open space in the rear of the property will contribute more meaningful amounts of undisturbed open space, leading to better protection and sustainability of native plant and animal species, and enhance the community character of the area. This solution is consistent with the open space patterns in the area, which has been established by previous development.

**4. Conformance:** The requested exemption is in conformance with previous versions of ESLO that were adopted before May 21, 2004.

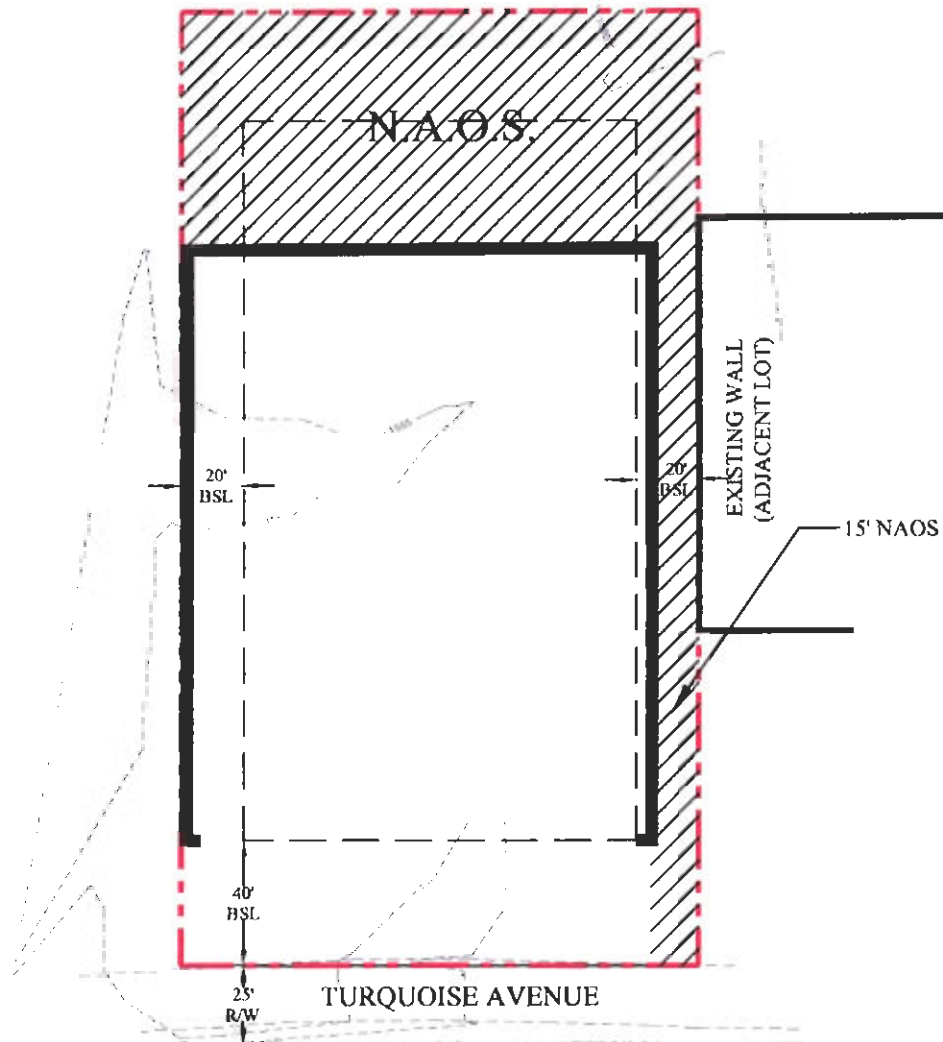
## **Conclusion**

The applicant is seeking relief from the adopted ESLO requirements to retain an appropriate development objective for the subject property and to ensure the highest level of environmental benefit for those portions of the property, and the surrounding area, that are dedicated as natural area open space. The applicant recognizes the importance of the ESL ordinance, but given the unique circumstances of the current property conditions and the pattern of development on adjacent properties, does not feel that dedication of NAOS for the sake of simply satisfying the ESL requirements is the most appropriate solution in this circumstance. Direct application of the ESL Ordinance will create a substantial hardship relative to the development of the subject property and that a thoughtful alternative will be of greater benefit for all interests involved.

The applicant maintains that the proposed site plan meets or exceeds the goals and objectives of the ESL ordinance and is confident that the proposed development will protect the environmental sensitivity of the area. The plan will also maintain the continuity of the type of development that has occurred in the community, thus contributing positively to the character of the area.

Thank you for your consideration of this exemption request.





**PRELIMINARY SITE PLAN DATA:**

GROSS AREA: 1.25 Acres

NET AREA: 1.16 Acres

PROPOSED # OF LOTS: 1

EXISTING ZONING: R1-43 ESL

REQUIRED N.A.O.S.: 0.36 Acres

PROVIDED N.A.O.S.: 0.36 Acres

**R1-43 ESL SETBACKS:**

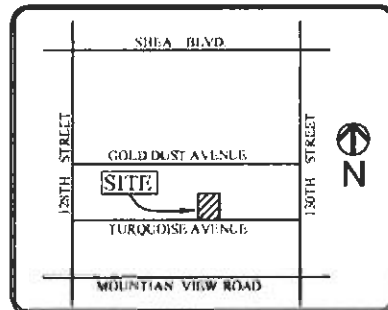
FRONT: 40' MIN.

SIDE: 20' MIN.

REAR: 35' MIN.

MIN. LOT AREA: 43,000

MIN. LOT WIDTH: 150'



**LEGEND**

- PROPERTY BOUNDARY
- PRELIMINARY WALL LOCATIONS
- EXISTING WALLS
- REQUIRED BUILDING SETBACKS

TOPO - 1 FOOT COUNTOURS

NOTE: DIMENSIONS ARE APPROXIMATE

# CONCEPTUAL SITE PLAN

**TURQUOISE 1.25**  
SCOTTSDALE, ARIZONA

SCALE: (+/-)



NORTH



<b>LVA</b> Urban Design Studio L.L.C.	<small>           Written: Prepared by: [Name]            Title: [Title]            Date: [Date]            Checked: [Name]            Title: [Title]            Date: [Date]         </small>	<small>           DATE: 05.11.06            JOB: 06/3            BY: [Name]            REV: 7.10.06         </small>

